



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,173	09/29/2005	Ken'ichi Fujii	00862.023538.	4237
5514 7590 10/07/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER NEURAUTER, GEORGE C				
ART UNIT 2443		PAPER NUMBER		
MAIL DATE 10/07/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/551,173

Applicant(s)

FUJII ET AL.

Examiner

George C. Neurauter, Jr.

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-15 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 29 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date See Continuation Sheet
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

Continuation of Attachment(s) 3. Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :11/29/05,11/17/06,1/4/07,5/23/07,1/25/08,2/6/08.

DETAILED ACTION

Claims 1-15 are currently presented and have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 6-9, 11-13, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication 20040102192 to Serceki.

Regarding claim 1, Serceki disclosed a wireless communication system having first and second wireless communication devices, wherein said first wireless communication device ("wireless station" including a "wireless monitoring application") comprises:

detection means for detecting a beacon at each frequency; search means for searching for a wireless communication device ("access point" with which to connect) which has a predetermined function, and is present on a network identified by network identification information contained in the beacon detected by said detection means, in accordance with the network identification information; and display means for selectably displaying information associated with the wireless communication device detected by said search means so as to determine a wireless communication partner,

said second wireless communication device ("access point") comprises:

transmission means for, when search request information is detected in a wireless reception waiting state at a predetermined frequency, transmitting information including self identification information ("beacon frame") as response information, and when information of said second wireless communication device displayed by said display means is selected, a process for establishing ("associating with") a communication between said first and second wireless communication devices is executed. (see at least paragraphs 0011 and 0012)

Claims 2 and 13 are also rejected since these claims recite in whole or in part substantially the same limitations as recited in claim 1.

Regarding claim 3, Serceki disclosed the device according to claim 2, wherein said search means transmits search request information in accordance with the network identification information included in the beacon detected by said detection means so as to search for the wireless communication device having the predetermined function, and stores in a memory identification information of a wireless communication device on a partner side included in a response to the search request information upon reception of the response, and said display means selectably displays the identification information stored in the memory. (see at least paragraphs 0011 and 0012)

Regarding claim 6, Serceki disclosed the device according to claim 2, wherein when no partner wireless communication device is found within a predetermined period of time, an error display is made. (see at least paragraphs 0011 and 0012) (if no partner wireless communication device is found, the user would inherently discover over a user

selected period of time that no device is available and that the display's lack of showing an available device is indicative of such an error that no device is available)

Regarding claim 7, Serceki disclosed the device according to claim 2, further comprising: determination means for determining if the beacon detected by said detection means is a beacon in an adhoc communication mode or a beacon in an infrastructure communication mode, and in that when said determination means determines that the detected beacon is the beacon in the adhoc communication mode, said search means transmits search request information toward a wireless communication processing device as a generation source of that beacon, and when said determination means determines that the detected beacon is the beacon in the infrastructure mode, said search means transmits search request information of a wireless communication processing device toward an access point. (see at least paragraphs 0007, 0008, and 0011)

Regarding claim 8, Serceki disclosed the device according to claim 2, further comprising registration means for registering, in a memory, information associated with connection to the partner, wireless communication device, to which the wireless communication has been established. (see at least paragraph 0034) (the wireless station uses the information in a beacon frame to associate with the access point and stores the information for the connection)

Regarding claim 9, Serceki disclosed the device according to claim 8, further comprising a mode for executing a process for establishing a wireless communication

on the basis of the information registered by said registration means. (see at least paragraph 0034)

Regarding claim 11, Serceki disclosed a wireless communication system having first and second wireless communication devices, wherein said first wireless communication device comprises: determination means for determining a designated process type ("ad hoc" or "infrastructure" mode); and display means for displaying information associated with a device having a function of the process type determined by said determination means on the basis of signals informed by another devices, said second wireless communication device comprises: informing means for informing of device identification information indicating a self function, and when information of said second wireless communication device displayed by said display means is selected, a process for establishing a communication between said first and second wireless communication devices is executed. (see at least paragraphs 0011 and 0012)

Claims 12 and 15 are also rejected since claims 12 and 15 recite substantially the same limitations as recited in claim 11.

Claims 10 and 14 are rejected under 35 U.S.C. 102(a) as being anticipated by "The Windows XP Wireless Zero Configuration Service" ("Zero").

Regarding claim 10, "Zero" disclosed a wireless communication device (computer executing the Windows XP operating system including the Windows XP Wireless Zero Configuration Service) comprising:

storage means (contained on the computer) for storing device identification information and network identification information of a partner to which the self wireless

communication device has been connected previously ("preferred network"; see also "Preferred Networks" on page 2); instruction means for instructing one of a history search mode that communicates with a desired partner wireless communication device stored in said storage means, and a new search mode that searches for a partner wireless communication device via a wireless communication, and communicates with the found partner wireless communication device; beacon detection means for, when said instruction means instructs the new search mode, detecting a beacon; search means for comparing network identification information included in the detected beacon with the network identification information stored in said storage means, making said detection means detect another beacon if the two pieces of network identification information match, and searching for a partner wireless communication device to communicate with based on new network identification information if the new network identification information is detected; first display means for selectably displaying one device identification information found by said search means; second display means for, when said instruction means instructs the history search mode, selectably displaying the device identification information stored in said storage means; and wireless communication establishment process means for, when one device identification information displayed by one of said first and second display means is selected, executing a wireless communication establishment process on the basis of the selected device identification information. (see "preferred networks" on page 3 and "How the WZC service works on pages 4 and 5) (see also plural displayed windows on pages 2 and 3)

Claim 14 is also rejected since claim 14 recites substantially the same limitations as recited in claim 10.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Serceki in view of US Patent 6,529,522 to Ito et al.

Regarding claim 4, Serceki disclosed the device according to claim 2.

Serceki did not expressly disclose wherein each of the wireless communication device and the partner wireless communication device comprises one of an image sensing device, a device for executing a print process of a sensed image, and a storage device for executing a storage process of a sensed image, however, Ito did disclose these limitations (see at least column 8, lines 19-62)

It would have been obvious to one of ordinary skill in the art the time the invention was made to combine the teachings of these references since both references disclose analogous subject matter regarding wireless communication devices and their connections with partner wireless communication devices and one of ordinary skill would have found that the substitution of a wireless communication device and a partner communication device with the image sensing device and a device for executing a print process of a sensed image would not introduce any unforeseen changes in the operation of the device of Serceki regarding wireless communications and would have reasonably predicted a successful combination of the wireless functionality of Serceki and the image sensing device and the device for executing a print process of a sensed image described in Ito.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Serceki.

Regarding claim 5, Serceki disclosed the device according to claim 2.

Serceki did not expressly disclose wherein when one of information displayed by said display means is selected before beacons for all frequencies are detected, subsequent detection processes are aborted, and a connection process with a wireless communication device specified by the selected information is executed, however, one of ordinary skill in the art would have found, in view of the teachings of Serceki, that, if the user were to select an information that denotes a possible partner wireless communication device before all beacons are detected, that the user's selection would be used to connect with the wireless communication device and any other further detection would be unnecessary. Therefore, one of ordinary skill would expect that any detection processes would be aborted upon selection and would have found that such an abortion of detection processes would have been a predictable result.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is (571)272-3918. The examiner can normally be reached on the hours between 8:30am-5:00pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia Dollinger, can be reached on 571-272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George C. Neurauter, Jr./
Primary Examiner, Art Unit 2143